

ES

Rule XXII.

esolutions delivered, Members speaker, to titles and all bills, under the d printed rection in de by the with Rule ing of the otion of a he report en errone- ore than intly any his para-

iced on report ations it was introduced by s by this rule

otions take he Whole for ration of con- (VII, 2126- nesday (VII, mal reference ended, but the

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XXII.

§§ 855, 856.

amendment, like the original motion, is subject to the requirement that it be authorized by the committee (VII, 2127). The motion must apply to a single bill and not to a class of bills (VII, 2125).

According to the later practice the erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it (IV, 4365-4371; VII, 1489, 2108-2113; VIII, 2312). And it is too late to move a change of reference after such committee has reported the bill (VII, 2110; VIII, 2312), but the Speaker may, pursuant to authority granted him by clause 5, Rule X effective January 3, 1975 (H. Res. 988, 93rd Congress, p. —), refer a bill sequentially to other committees subject to possible time limitations after the first committee has reported thereon. Joint sponsorship of public bills by not more than 25 Members was authorized by H. Res. 42, April 25, 1967. Prior thereto a special committee had reported against this practice and the report had been adopted by the House (VII, 1029). All bills and resolutions must be signed by the prime sponsor thereof (Speaker Albert, Feb. 3, 1972, p. 2521).

5. All resolutions of inquiry addressed to the heads of executive departments shall be reported to the House within one week after presentation.

§ 855. Resolutions of inquiry.

The House has exercised the right, from its earliest days, to call on the President and heads of departments for information. The first rule on the subject was adopted in 1820 for the purpose of securing greater care and deliberation in the making of requests. The present form of rule, in its essential features, dates from 1879 (III, 1856).

Resolutions of inquiry are usually simple rather than concurrent in form (III, 1875), and are never joint resolutions (III, 1860). A resolution authorizing a committee to request information has been treated as a resolution of inquiry (III, 1860). It has been considered proper to use the word "request" in asking for information from the President and "direct" in addressing the heads of departments (III, 1856, footnote, 1895). It is usual for the House in calling on the President for information, especially with relation to foreign affairs, to use the qualifying clause "if not incompatible with the public interest" (II, 1547; III, 1896-1901; V, 5759; VI, 436). But in some instances the House has made its inquiries of the President without condition, and

§ 856. Forms of resolutions of inquiry and delivery thereof.

# RULES OF THE HOUSE OF REPRESENTATIVES

§§ 857, 858.

Rule XXII.

has even made the inquiry imperative (III, 1896-1901). Resolutions of Inquiry are delivered under direction of the Clerk (III, 1879) and are answered by subordinate officers of the Government either directly or through the President (III, 1908-1910).

The practice of the House gives to resolution of Inquiry a privileged status. Thus, they are privileged for report and consideration at any time after their reference to a committee (III, 1870; VI, 413, 414), but not before (III, 1857), and are in order for consideration only on motion directed to be made by the committee reporting the same (VI, 413; VIII, 2310). They are privileged for consideration on "Suspension days" and take precedence of the Consent Calendar (VI, 409), but are not in order on Calendar Wednesday (VII, 896-898). And only resolutions addressed to the President and the heads of the executive departments have the privilege (III, 1861-1864; VI, 406). To enjoy the privilege a resolution should call for facts rather than opinions (III, 1872, 1873; VI, 413, 418-432; July 7, 1971, p. 23810-11), should not require investigations (III, 1872-1874; VI, 422, 427, 429, 432), and should not present a preamble (III, 1877, 1878; VI, 422, 427); but if a resolution on its face calls for facts, the Chair will not investigate the probability of the existence of the facts called for (VI, 422). However, a resolution inquiring for such facts as would inevitably require the statement of an opinion to answer such inquiry is not privileged (Speaker Longworth, Feb. 11, 1926, p. 3805).

Questions of privilege (as distinguished from privileged questions) have sometimes arisen in cases wherein the head of a department has declined to respond to an inquiry and the House has desired to demand a further answer (III, 1891; VI, 435); but a demand for a more complete reply (III, 1892) or a proposition to investigate as to whether or not there has been a failure to respond may not be presented as involving the privileges of the House (III, 1893).

Committees are required to report resolutions of inquiry back to the House within one week of the reference, and this week's time is construed to be seven legislative days (VIII, 3368; Speaker Rayburn Feb. 9, 1950, p. 1755) exclusive of either the first or last day (III, 1858, 1859). If a committee refuses or neglects to report the resolution back,

§ 857. Privileged status of resolutions of inquiry.

§ 858. Discharge of a committee from a resolution of inquiry.

[566]

ENTATIVES

Rule XXII.

-1901). Resolutions of  
rk (III, 1879) and are  
nent either directly or

of inquiry a privileged  
ed for report and con-  
their reference to a  
3, 414), but not before  
for consideration only  
ee reporting the same  
consideration on "Sus-  
nt Calendar (VI, 409),  
(VII, 896-898). And  
the heads of the execu-  
31-1864; VI, 406). To  
facts rather than opin-  
(7, 1971, p. 23810-11),  
374; VI, 422, 427, 429,  
77, 1878; VI, 422, 427);  
Chair will not investi-  
s called for (VI, 422).  
s as would inevitably  
r such inquiry is not  
3805).

a privileged questions)  
d of a department has  
has desired to demand  
emand for a more com-  
igate as to whether or  
be presented as involv-

of inquiry back to the  
he reference, and this  
seven legislative days  
n Feb. 9, 1950, p. 1755)  
or last day (III, 1858,  
ort the resolution back,

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XXII.

§§ 859, 860.

the House may reach the resolution only by a motion to discharge the committee (III, 1865). The ordinary motion to discharge a committee is not privileged (VIII, 2316); but the practice of the House has given privilege to the motion in cases of resolutions of inquiry (III, 1866-1870). And this motion to discharge is privileged at the end of the week, even though the resolution may have been delayed in reaching the committee (III, 1871). The motion to discharge is not debatable (III, 1868; VI, 415). However, if the motion is agreed to, the resolution is debatable under the hour rule unless the previous question is ordered (VI, 416, 417). The Member calling up a privileged resolution of inquiry reported from committee is recognized to control one hour of debate and may move to lay the resolution on the table during that time (July 7, 1971, p. 23807-10; Oct. 20, 1971, p. 37055-57).

The President having failed to respond to a resolution of inquiry, the House respectfully reminded him of the fact  
§ 859. Resolutions of inquiry as related to the Executive. (III, 1890). In 1796 the House declared that its constitutional requests of the Executive for information need not be accompanied by a statement of purposes (II, 1509). As to the kind of information which may be required, especially as to the papers that may be demanded, there has been much discussion (III, 1700, 1738, 1888, 1902, 1903; VI, 402, 435). There have been several conflicts with the Executive (II, 1534, 1561; III, 1884, 1885-1889, 1894) over demands for papers and information, especially when the resolutions have called for papers relating to foreign affairs (II, 1509-1513, 1518, 1519).

6. When a bill, resolution, or memorial is introduced "by request," these words shall be entered upon the Journal and printed in the Record.  
§ 860. Introduction of bills, resolutions, or memorials by request.

This rule was adopted in 1888 (IV, 3366).

It has never been the practice of the House to permit the names of the persons requesting the introduction of the bill to be printed in the Record.